

**UNITED STATES DISTRICT COURT**  
**for the**  
**Southern District of Georgia**  
**Augusta Division**

FILED  
U.S. DISTRICT COURT  
AUGUSTA DIV.

2014 SEP -9 PM 4:13

**Request for Modifying the Conditions or Term of Supervision**  
**with Consent of the Offender**  
*(Probation form 49, Waiver of Hearing is Attached)*

CLERK C Adams  
SO. DIST. OF GA.

Name of Offender: Fred William Layman, III Case Number: 1:11CR00133-1

Name of Sentencing Judicial Officer: Honorable J. Randal Hall  
United States District Judge

Date of Original Sentence: September 28, 2011

Original Offense: Wire fraud

Original Sentence: 16 months custody; 3 years supervised release; \$78,619.99 restitution;  
\$5,000 fine; \$100 special assessment

Type of Supervision: Supervised Release

Date Supervision Commenced: January 10, 2013

Assistant U.S. Attorney: Stephen Inman

Defense Attorney: Victor Hawk

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**PETITIONING THE COURT**

- ☐ To extend the term of supervision for years, for a total term of years.
- ☒ To modify the conditions of supervision as follows:

The defendant shall make minimum monthly payments of \$150. If it is determined that the defendant is able to pay more each month toward the financial obligations, the monthly payment schedule will be modified. Further, any proceeds that the defendant receives from a court settlement, or the sale of residential property, will be submitted for payment toward the financial obligations owed to the Court.

Re: Fred William Layman, III  
Case Number: 1:11CR00133-1  
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**CAUSE**

The Court originally ordered the offender to make a lump sum payment of \$20,100 immediately, and upon his release from imprisonment and while on supervised release, ordered that the offender make minimum monthly payments of \$5,000 over a period of 12 months. During his term of custody, and since the offender's release to supervision in January 2014, Layman has not been able to satisfy the financial orders of the Court in regards to the payment of the restitution and fine obligation. The offender has maintained employment since his release, but has not been employed in the same capacity as prior to his incarceration. Layman's income is considerably less than what it was when the presentence report was completed, which was verified through a financial investigation conducted by this officer. The offender is currently working with his brother-in-law in the development and sale of a software application which is designed to raise money for charitable organizations. Although the offender is unable to make monthly payments as originally ordered by the Court, he is able to maintain minimum monthly payments of \$150. The offender will further submit as payment toward the financial obligations any profits he receives from the sale of residential property or a court settlement. The offender has agreed to the modification and a Waiver of Hearing to Modify Conditions of Supervised Release is attached.

Respectfully submitted,



Baylan Thomas  
United States Probation Officer  
Date: September 8, 2014

Reviewed by:



W. Troy Balliew  
Supervisory United States Probation Officer

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**THE COURT ORDERS:**

- ☐ No Action  
☐ The Extension of Supervision as Noted Above  
☒ The Modification of Conditions as Noted Above  
☐ Other



J. Randal Hall  
United States District Judge

9/9/2014  
DATE

# United States District Court

for the

Southern District of Georgia  
Augusta Division


## Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.


I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:


The defendant shall make minimum monthly payments of \$150. The monthly payments will first be applied to the restitution obligation, then to the fine. If it is determined that the defendant is able to pay more each month toward the financial obligations, the monthly payment schedule will be modified. Further, any proceeds that the defendant receives from a settlement, or the sale of any properties, will be submitted for payment toward the financial obligations owed to the Court.

Witness:

  
(U.S. Probation Officer)

Signed:

  
(Probationer or Supervised Releasee)

  
Date